

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SARAH B. NIXON,)
)
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Plaintiff,)
)
)
v.) No. 4:09CV1896 HEA
)
)
ENTERPRISE CAR SALES CO.,)
)
)
Defendant.)

ORDER

On October 13, 2011, the Court granted Defendant Enterprise's Motion for Summary Judgment [Doc# 62] on both counts of Plaintiff Nixon's First Amended Complaint. *See* Doc# 93. The Court ordered the parties to submit memoranda regarding the status of the Court's jurisdiction within ten [10] days of the date of the order. Defendant Enterprise's memoranda [Doc# 94] urges the Court to decline the exercise of jurisdiction and dismiss its counterclaim without prejudice. Plaintiff Nixon does not oppose Defendant Enterprise's position, as they did not submit memoranda in favor of, or opposed to, the exercise of supplemental jurisdiction.

Pursuant to 28 U.S.C. § 1337(c)(3), "district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if . . . (3) the district court has dismissed all claims over which it has original jurisdiction." Such is the

case here. As a result, the Court declines to exercise supplemental jurisdiction over Defendant Enterprise's counterclaim, and dismiss the claims pending in Defendant Enterprise's Counterclaim without prejudice.

Accordingly,

IT IS HEREBY ORDERED that the Court declines to exercise supplemental jurisdiction over Defendant Enterprise's counterclaim, and dismiss the claims pending in Defendant Enterprise's Counterclaim without prejudice.

Dated this 7th day of December, 2011.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE